

EXHIBIT 20

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

AHMED ELZEIN,

Plaintiff,

Case No. 22-cv-12352

v

Hon. Sean F. Cox

ASCENSION GENESYS HOSPITAL,

Magistrate Judge:

Defendant.

Curtis Ivy, Jr.

DEPOSITION OF: BARBARA PAWLACZYK (VIA ZOOM)

DATE: October 13, 2023

TIME: 2:12 p.m.

LOCATION: Fortz Legal Support, LLC

25 Division Avenue South, Suite 325

Grand Rapids, Michigan

REPORTER: Kelly M. Kane, CSR-1470

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<p style="text-align: right;">Page 10</p> <p>1 A. For my program, yes.</p> <p>2 Q. Are there other residency programs for other types of</p> <p>3 medical disciplines?</p> <p>4 A. Yes.</p> <p>5 At our hospital? I'm sorry.</p> <p>6 Q. I'm sorry, yes, I meant at Ascension.</p> <p>7 A. Yes.</p> <p>8 Q. And then there would be other program directors in charge of</p> <p>9 those disciplines, in that disciplinary residency program,</p> <p>10 correct?</p> <p>11 A. Yes, that's correct.</p> <p>12 Q. Okay. Did you review any documents to prepare for your</p> <p>13 deposition today?</p> <p>14 A. I couldn't hear the first couple words. Could you --</p> <p>15 Q. Sure, I'll repeat it. Did you review any documents to</p> <p>16 prepare for your deposition today?</p> <p>17 A. Yes.</p> <p>18 Q. What documents did you look at?</p> <p>19 A. I looked at the documentation that was received -- was --</p> <p>20 sorry. I looked at the documentation that was related to</p> <p>21 Dr. Elzein's training program.</p> <p>22 Q. Could you be a little more specific? Are you talking about</p> <p>23 his, like, file, his residency program file? Is that what</p> <p>24 you looked at?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Yes. Did there come a point where you became concerned</p> <p>2 about Dr. Elzein's mental health during his residency?</p> <p>3 A. On November 11th I was concerned about his mental health.</p> <p>4 Q. Prior to November -- and the year was 2020, correct?</p> <p>5 A. Right.</p> <p>6 Q. Okay. So prior to November 11, 2020, did you have concerns</p> <p>7 about Dr. Elzein's mental health?</p> <p>8 A. No.</p> <p>9 Q. What was the first thing that -- information that you</p> <p>10 received that made you concerned about his mental health?</p> <p>11 A. I was concerned about his well-being because of the way he</p> <p>12 behaved on November 11th.</p> <p>13 Q. Sure. But I guess what I'm getting at is, was the first</p> <p>14 thing you learned that raised a concern for you, was it</p> <p>15 something that was told to you or was it an observation that</p> <p>16 you made?</p> <p>17 A. I was informed that he was -- that his behavior was strange.</p> <p>18 Q. Who informed you of that?</p> <p>19 A. One of my chief residents.</p> <p>20 Q. And who was that?</p> <p>21 A. Dr. Haschig.</p> <p>22 Q. All right. How did Dr. Haschig report this to you? Was it</p> <p>23 by phone? Was it face to face?</p> <p>24 A. By phone.</p> <p>25 Q. What did Dr. Haschig tell you?</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Did you look at any of the emails that you had between you</p> <p>2 and Dr. Elzein?</p> <p>3 A. Some of them.</p> <p>4 Q. Did you look at any of the text messages between you and</p> <p>5 Dr. Elzein?</p> <p>6 A. No.</p> <p>7 Q. Did you look at any of the documents that were created from</p> <p>8 the human resources department?</p> <p>9 A. Yes.</p> <p>10 Q. Which documents from human resources did you look at?</p> <p>11 A. I don't recall. I'm sorry, I don't recall right now</p> <p>12 specific documents.</p> <p>13 Q. Did you talk to anybody other than a lawyer about your</p> <p>14 deposition today?</p> <p>15 A. No.</p> <p>16 Q. Do you remember the events or do you have an independent</p> <p>17 recollection of the events surrounding Dr. Elzein and his</p> <p>18 residency?</p> <p>19 A. Yes.</p> <p>20 Q. There came a time when you became concerned about</p> <p>21 Dr. Elzein's mental health while he was working as a</p> <p>22 resident at Ascension, correct?</p> <p>23 A. I'm sorry, for some reason -- I don't know if it's technical</p> <p>24 difficulties, but I couldn't hear the first couple words of</p> <p>25 the question. Could you please repeat that?</p>	<p style="text-align: right;">Page 13</p> <p>1 A. He told me that Dr. Elzein's behavior was strange, that he</p> <p>2 appeared scared, would not follow instructions, and his</p> <p>3 behavior was very concerning.</p> <p>4 Q. Do you recall, were there any specifics that he told you</p> <p>5 about why he was concerned?</p> <p>6 A. He said that Dr. Elzein would not follow instructions of</p> <p>7 senior residents, given by senior residents, that he would</p> <p>8 not eat or drink for the whole day, he would be sitting in</p> <p>9 the corner videotaping other residents, he would stare at</p> <p>10 the lockers, he would stare at the screen without really any</p> <p>11 actions, he would be almost like staring into space.</p> <p>12 Q. What action, if any, did you take as a result of this call</p> <p>13 with Dr. Haschig?</p> <p>14 A. I contacted a psychologist who works very closely with me</p> <p>15 and I also came to the hospital.</p> <p>16 Q. Where were you when you received this call?</p> <p>17 A. I was at home.</p> <p>18 Q. Were you off work that day?</p> <p>19 A. I worked -- that day we had a conference, so I worked from</p> <p>20 home virtually.</p> <p>21 Q. And who was the psychologist that you contacted?</p> <p>22 A. Dr. Kirkpatrick.</p> <p>23 Q. Do you know her first name?</p> <p>24 A. Yeah, Heather.</p> <p>25 Q. Her name is Heather Kirkpatrick?</p>

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<p style="text-align: right;">Page 18</p> <p>1 After the conversation with Dr. Elzein, and before</p> <p>2 you saw him in the hospital, did you have any more</p> <p>3 conversations with anybody who had been interacting with</p> <p>4 Dr. Elzein that day?</p> <p>5 A. Before seeing Dr. Elzein?</p> <p>6 Q. Yes, right.</p> <p>7 A. Okay. No.</p> <p>8 Q. So at that point the totality of the information you had was</p> <p>9 what Dr. Haschig had told you in the conversation and then</p> <p>10 the phone call that you had with Dr. Elzein, right?</p> <p>11 A. There was -- I also spoke with another resident who called</p> <p>12 me in the -- on my way. Before I got to the hospital there</p> <p>13 was one more -- I received one more phone call from another</p> <p>14 resident.</p> <p>15 Q. And who was that resident?</p> <p>16 A. Dr. Baj.</p> <p>17 Q. And her first name is Natalia; is that correct?</p> <p>18 A. Uh-huh, yes.</p> <p>19 Q. And Baj is B-a-j?</p> <p>20 A. Yes.</p> <p>21 Q. You were in your car en route to the hospital when you</p> <p>22 received that call?</p> <p>23 A. I can't recall details of that, I just know that --</p> <p>24 Q. Okay. What did Dr. Baj tell you?</p> <p>25 A. She gave me similar information that Dr. Haschig had. She</p>	<p style="text-align: right;">Page 20</p> <p>1 room first, but I found out that Dr. Baj was together with</p> <p>2 Dr. Elzein in the food court.</p> <p>3 Q. In the food court?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. Can you pick it up from there?</p> <p>6 A. Sure. So I found them standing in the line to get some food</p> <p>7 because Dr. Elzein did not eat or drink that day at all,</p> <p>8 which was also strange behavior, so we were trying to get</p> <p>9 him some nutrition. So I joined them in the line and</p> <p>10 started to have a conversation with Dr. Elzein. We got --</p> <p>11 Q. Can I stop you right there?</p> <p>12 A. Sure.</p> <p>13 Q. I want to go through this pretty slowly and in some detail.</p> <p>14 First of all, what time of day was it that you</p> <p>15 arrived at the hospital?</p> <p>16 A. I think somewhere between 3 and 4 p.m.</p> <p>17 Q. Do you know what time Dr. Elzein began his shift that day?</p> <p>18 A. 6 a.m.</p> <p>19 Q. And how was it that you knew that he had not had anything to</p> <p>20 eat or drink all day?</p> <p>21 A. From Dr. Baj.</p> <p>22 Q. And did Dr. Baj tell you how she knew that he hadn't had</p> <p>23 anything to eat or drink all day?</p> <p>24 A. From interns and other residents.</p> <p>25 Q. Okay. So who was it that was in line? Was it that Dr. Baj</p>
<p style="text-align: right;">Page 19</p> <p>1 also told me that residents were -- residents were very</p> <p>2 concerned; she also was concerned about Dr. Elzein's</p> <p>3 behavior.</p> <p>4 Q. Did she tell you which residents were concerned?</p> <p>5 A. I think she just -- no. No, she didn't specify who. I</p> <p>6 think she said the interns and residents in the call room.</p> <p>7 Q. Did she provide you any more details than what Dr. Haschig</p> <p>8 had told you in the earlier call?</p> <p>9 A. She had a couple more details, yes. If I recall correctly</p> <p>10 they were related to Dr. Elzein staring on the -- at the</p> <p>11 locker and thinking that someone put -- there was a trap</p> <p>12 there, there was a bomb in the -- in the locker. She also</p> <p>13 mentioned that Dr. Elzein told her that someone put</p> <p>14 something in his pocket and that he was afraid and scared</p> <p>15 that something was going to happen to him.</p> <p>16 Q. Did Dr. Baj tell you who it was that Dr. Elzein thought had</p> <p>17 put something in his pocket?</p> <p>18 A. It was another resident, a senior resident. Her name was</p> <p>19 Beca.</p> <p>20 Q. Did you have any other conversations regarding Dr. Elzein</p> <p>21 before you saw him?</p> <p>22 A. Not that I can recall.</p> <p>23 Q. When you arrived at the hospital what happened?</p> <p>24 A. I called Dr. Baj, asking her where Dr. Elzein was. If I</p> <p>25 recall, I'm not sure, but I think I stopped by in the call</p>	<p style="text-align: right;">Page 21</p> <p>1 and Dr. Elzein together were in line?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So you said you started to have a conversation with</p> <p>4 them when you caught up to them in the line, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And then I interrupted you. So, sorry, go ahead. So</p> <p>7 tell me about that conversation.</p> <p>8 A. It was a very general conversation at that point. I just</p> <p>9 asked him how was he doing. And, you know, we didn't want</p> <p>10 to continue conversation because there were a couple other</p> <p>11 people in line.</p> <p>12 Q. Okay. Did he purchase anything to eat or drink?</p> <p>13 A. I bought him a smoothie because he didn't want to have</p> <p>14 anything else.</p> <p>15 Q. Like a fruit smoothie kind of thing?</p> <p>16 A. Yes, uh-huh.</p> <p>17 Q. Did you continue to have any conversations with him after</p> <p>18 you purchased the smoothie for him?</p> <p>19 A. Yes, I asked him if we can sit at a table and talk about the</p> <p>20 way he feels.</p> <p>21 Q. And did --</p> <p>22 A. He agreed.</p> <p>23 Q. -- that happen?</p> <p>24 A. Yes. He agreed, yeah.</p> <p>25 Q. Who sat at the table?</p>

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<p style="text-align: right;">Page 22</p> <p>1 A. Dr. Elzein, Dr. Baj, and I.</p> <p>2 Q. And tell me about the conversation at the table.</p> <p>3 A. So as he sat at the table I asked him if it's fine for</p> <p>4 Dr. Baj to -- to stay together with us, and he agreed. Then</p> <p>5 I started to ask him what was going on, because I was</p> <p>6 concerned about his well-being, the way he behaved.</p> <p>7 He appeared very scared and very apprehensive,</p> <p>8 constantly looking around like he thought that -- like he</p> <p>9 was expecting that something bad will happen. He constantly</p> <p>10 was looking at the entrance, again like he would expect</p> <p>11 someone to enter through the main door at any time.</p> <p>12 I asked him how did he feel; he said that he</p> <p>13 realized that he was seeming differently than usually, that</p> <p>14 he might have had fever. So I did ask him -- I did</p> <p>15 recommend for him to go to the emergency room to be checked</p> <p>16 out, to make sure that he's -- that he seemed fine.</p> <p>17 Q. How long did that conversation last?</p> <p>18 A. So we stayed in the food court together with him probably</p> <p>19 until like 7 p.m., somewhere between 6 and 7 p.m., when --</p> <p>20 this was the time when he went to the emergency room.</p> <p>21 Q. And did everybody remain at the table for that entire two</p> <p>22 hours or so?</p> <p>23 A. Yes.</p> <p>24 Q. Did anybody else join the conversation at any time?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. It wasn't changed. It was the same as the one I observed,</p> <p>2 you know, since the time when I came to the hospital.</p> <p>3 Q. Okay. How long did Dr. Vogel stay at the table with</p> <p>4 Dr. Elzein?</p> <p>5 A. It was for a brief few minutes.</p> <p>6 MR. STEMPIEN: Excuse me one second, I apologize.</p> <p>7 THE WITNESS: No problem.</p> <p>8 (Brief pause.)</p> <p>9 BY MR. STEMPIEN:</p> <p>10 Q. Okay. Did Dr. Vogel speak to you after he finished speaking</p> <p>11 to Dr. Elzein?</p> <p>12 A. I think he did.</p> <p>13 Q. Did Dr. Vogel tell you what his impressions were of</p> <p>14 Dr. Elzein's mental health at that time?</p> <p>15 A. I don't recall details right now.</p> <p>16 Q. Well, wasn't that the reason he was there, to make an</p> <p>17 assessment of Dr. Elzein's mental health?</p> <p>18 A. Yes.</p> <p>19 Q. And wouldn't that information have been important to you in</p> <p>20 terms of determining what you wanted to have Dr. Elzein do</p> <p>21 next?</p> <p>22 A. Yes.</p> <p>23 Q. So wouldn't that have been something you would have asked</p> <p>24 Dr. Vogel?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Who?</p> <p>2 A. Dr. Vogel, a psychologist.</p> <p>3 Q. How did Dr. Vogel come to be part of the conversation?</p> <p>4 A. If I -- I don't recall if I called him or Dr. Kirkpatrick</p> <p>5 called him. But he was a psychologist was still at the</p> <p>6 hospital, so he came over to check on Dr. Elzein.</p> <p>7 Q. When you were there at the table did you contact</p> <p>8 Dr. Kirkpatrick?</p> <p>9 A. I don't recall right now.</p> <p>10 Q. So did Dr. Kirkpatrick participate in that conversation with</p> <p>11 Dr. Elzein at all?</p> <p>12 A. Not at the table.</p> <p>13 Q. Okay. When Dr. Vogel came did he physically, in person,</p> <p>14 come to the table?</p> <p>15 A. Yes.</p> <p>16 Q. And did he speak to Dr. Elzein?</p> <p>17 A. Yes.</p> <p>18 Q. Did he speak to Dr. Elzein in front of you?</p> <p>19 A. I don't remember that detail.</p> <p>20 Q. Did you hear any of their conversation?</p> <p>21 A. I don't -- I don't recall right now.</p> <p>22 Q. Did you observe Dr. Elzein's demeanor while he was talking</p> <p>23 to Dr. Vogel?</p> <p>24 A. Yes, I could see.</p> <p>25 Q. And what did you observe about his demeanor?</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Is it that you just don't recall what he told you?</p> <p>2 A. I don't recall detailed conversation with him.</p> <p>3 Q. Well, did Dr. Vogel tell you that he thought that Dr. Elzein</p> <p>4 needed to go to the emergency room?</p> <p>5 A. He said that would be beneficial for him to go to the</p> <p>6 emergency room.</p> <p>7 Q. Okay. And that's what I asked you before. What did he tell</p> <p>8 you about Dr. Elzein's mental health?</p> <p>9 A. Are you asking me -- I'm not sure if -- are you asking me</p> <p>10 for his recommendations or his opinion about Dr. Elzein's</p> <p>11 mental health? Like I'm not really sure of -- what are you</p> <p>12 asking me right now.</p> <p>13 Q. I'm asking you what Dr. Vogel told you. That's all I'm</p> <p>14 asking you.</p> <p>15 A. Well, so he said that will be beneficial for Dr. Elzein to</p> <p>16 go to the emergency room to be evaluated.</p> <p>17 Q. Do you recall anything else that Dr. Vogel told you?</p> <p>18 A. If I recall correctly he said that he didn't know him that</p> <p>19 well.</p> <p>20 Q. That's just a couple too many pronouns, he and him.</p> <p>21 A. Okay.</p> <p>22 Q. So you're saying Dr. Vogel said -- and if I were to use</p> <p>23 quotes, he said, "I don't know Dr. Elzein very well." Is</p> <p>24 that what Dr. Vogel told you?</p> <p>25 A. That's correct.</p>